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10/675,063	09/30/2003	Dany Sylvain	15967ROUS01U	5841
23644 7590 10/20/2008 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786				
EXAMINER				
BARQADLE, YASIN M				
ART UNIT		PAPER NUMBER		
2456				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent-ch@btlaw.com

Office Action Summary

Application No.

10/675,063

Applicant(s)

SYLVAIN ET AL.

Examiner

YASIN M. BARQADLE

Art Unit

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Response to Amendment

Applicant's arguments filed on July 17, 2008 have been considered but are not deemed persuasive.

- Claims 1-13, and 15-17 are presented for examination.
- Claims 18-19 are cancelled.

Response to Arguments

In essence the Applicant argues "(LANE) IP VPN. There is no suggestion in Casey that any VPN gateway shared by two or more VPNs incorporates both routing and NAT functionality as claimed." (page 1 last 4 lines and at the end of page 2 of the remarks).

The Examiner respectfully, disagrees. Casey teaches "VBR functions can also be labeled as edge, gateway or special. A VBR need not be dedicated to only one of these functions. The edge function involves the serving of one or more private networks. The gateway function involves attaching two or more VPN areas. They may also connect a VPN area to other types of networks. Special functions include: Internet Attachment (Private Network access to the Internet may be offered as an extension of IP VPN service and be implemented by a special VBR that performs firewall (**and, if needed, NAT**) functions), Virtual

Private Dial Network Attachment (Dial-in users may be connected directly to the IP VPN, instead of terminating on a home gateway at a particular private network; i.e. the VBR acts like a Remote Access Server or as a home gateway); and VPLS Interworking (there are many similarities between Virtual Private LAN Subnet service and IP VPN service.” Col. 5, lines 4-28). Case’s VPN gateway includes NAT functionality as indicated in the above section. The VPN gateway is shared by two or more VPN as shown in figures 1 and 2.

Applicant also argues that “address translation. Whilst the virtual routers taught by Casey operate full routing protocols, they do so in respect of controlling routing exchanges relating to the IP address spaces of the private networks. However, a routing regime can be specific to an individual VPN and a virtual router may use different routing protocols on each of its interfaces.” (Page 2 of the remarks).

The Examiner notes since Case teaches “The gateway function involves attaching two or more VPN areas. They may also connect a VPN area to other types of networks. Special functions include: Internet Attachment (Private Network access to the Internet may be offered as an extension of IP VPN service and be implemented by a special VBR that performs firewall (**and, if needed, NAT**) functions),...””, it is implied that the NAT functionality of Casey performs in such a way that the external networks appear to one of the VPNs to have an

address within the address range of the VPN. The nature of NAT perform such a function.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-13 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Casey et al (USPN 6493349 herein “Casey”).

As per claim 1, Casey teaches a virtual private network (VPN) gateway for interfacing two or more virtual private networks (VPNs) to one or more external networks, the external network or networks having a different addressing scheme or schemes to those of the VPNs, the VPN gateway having a network address translator (NAT) shared by the VPNs for converting VPN addresses of entities within the VPNs to addresses of the external network (fig. 2 and col. 3, lines 27-56 and col. 4, lines 8-56), the VPN gateway providing a plurality of virtual routers, respective ones of said plurality of virtual routers being connected to respective ones of said two or more VPNs such that each virtual router is in the address space of a respective one of said two or more VPNs (see figures 1 and 2; col. 5, lines 4-33).

As per claim 2, Casey teaches the VPN gateway of claim 1, the NAT comprising a source and destination NAT, arranged such that entities in the external networks appear to one of the VPNs to have an address within an address range of the respective VPN (fig. 2 and col. 3, lines 27-56 and col. 4, lines 8-56. see also Col. 5, lines 4-28).

As per claim 3, Casey teaches the VPN gateway of claim 2, the entities in the external networks comprising at least one of: a call server, a SIP proxy, a web server, a storage server, a video server, a mail server, an H.323 gateway, a telephony client, or a telephony media gateway (col.5, lines 5-28).

As per claim 4, Casey teaches the VPN gateway of claim 1, the external network address used for each VPN entity being unique in the corresponding external network (col.6, lines 38-56).

As per claim 5, Casey teaches the VPN gateway of claim 1 having one or more physical or logical interface ports, and being arranged to determine an identity of each of the VPNs based on which one or more physical or logical Interface port on the VPN gateway is used to couple the respective VPN (fig. 2 and col. 3, lines 27-56 and col. 4, lines 8-56).

As per claim 6, Casey teaches the VPN gateway of claim 1, the VPNs each comprising a part of an Internet Protocol (IP) network (fig. 3).

As per claim 7, Casey teaches the VPN gateway of claim 6 where the multiple VPNs use overlapping private IP addressing schemas (fig. 3)

As per claim 8, Casey teaches the VPN gateway of claim 6, being arranged to provide protocol conversion.

As per claim 9, Casey teaches the VPN gateway of claim 1, the VPNs being arranged to use at least one of ATM, Frame Relay, MPLS or IP (fig. 3).

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As per claim 10, Casey teaches the VPN gateway of claim 1 arranged to couple communication sessions having one end in one of the VPNs and another end in the external network, the sessions being controlled by a server (see figures 2 and 3).

As per claim 11, Casey teaches the VPN gateway of claim 10, the communication sessions being one of data sessions, telephony calls, or video calls (col.5, lines 5-28).

As per claim 12, Casey teaches the VPN gateway of claim 10 arranged to communicate to the external network entities the VPN identity associated with a given communication session (fig. 2 and col. 3, lines 27-56 and col. 4, lines 8-56).

As per claims 13, Cases teaches a method of using a virtual private network (VPN) gateway to interface two or more VPNs to one or more external networks, the external network or networks having different addressing schemes to those of the VPNs, the VPN gateway having a network address translator (NAT), the method having the steps of using the VPN gateway for passing information between the two or more VPNs and the one or more external networks, and converting VPN addresses of entities within the two or more VPNs to addresses of the external network and such that entities in the external networks appear

to the respective VPN to have an address within an address range of the respective VPN. (See fig 2 and 3; col. 3, lines 27-56 and col. 4, lines 8-56), providing in the VPN gateway a plurality of virtual routers, and connecting respective ones of said plurality of virtual routers to respective ones of said two or more VPNs such that each virtual router is in the address space of a respective one of said two or more VPNs (see figures 1 and 2; col. 5, lines 4-33).

As per claim 15, Casey teaches the method of offering a virtual packet network service using the gateway of claim 1 (fig. 2 and col. 3, lines 27-56 and col. 4, lines 8-56).

As per claim 16, Casey teaches a node suitable for use as part of a network, the node having a VPN gateway as set out in claim 1 (fig. 2 and col. 3, lines 27-56 and col. 4, lines 8-56).

As per claim 2, Casey teaches a computer readable medium encoded with software for carrying out the method of claim 13 (these feature is an inherent feature in performing the invention of Casey).

Conclusion

ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yasin M Barqadle/

Primary Examiner, Art Unit 2456